
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

JACQUE LEE MCBRIDE,

Plaintiff,

*versus*LEE GIBSON, CEO d/b/a SOUTHSIDE
BANK,

Defendant.

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§CIVIL ACTION NO. 1:22-CV-00159-MAC-
ZJH**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

On April 19, 2022, the court referred this case to the Honorable Zack Hawthorn, United States Magistrate Judge, for all pretrial matters pursuant to a standing order. Pending before the court is Defendant Lee Gibson, CEO d/b/a Southside Bank's ("Gibson") "Motion to Dismiss for Lack of Subject-Matter Jurisdiction, Insufficient Service of Process, and Failure to State a Claim Upon which Relief can be Granted" ("Motion to Dismiss") (#5). Plaintiff Jacque Lee McBride filed a pending "Motion for Hearing Before Judge on Motion for Declaratory Judge and Response" ("Response") (#6), and a pending "Motion for Emergency Injunction" (#7). On June 24, 2022, the magistrate judge issued his Report and Recommendation (#11) recommending dismissal of McBride's Complaint for lack of subject-matter jurisdiction.

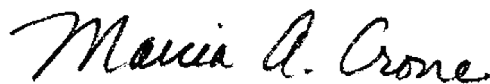
On July 6, 2022, McBride filed a "Motion for Hearing Before Judge" (#14), which the magistrate judge construed as McBride's objections to his Report and Recommendation. On September 7, 2022, the magistrate judge ordered Gibson to respond to McBride's objections with a second Rule 12 motion (#16), and on September 14, 2022, Gibson filed his "Motion to Dismiss Plaintiff's Fair Debt Collection Practices Act Claim" (#17). On November 30, 2022,

the magistrate judge issued his Second Report and Recommendation, recommending the court dismiss this case for lack of subject-matter jurisdiction. (#18). On December 12, 2022, McBride filed a second “Motion for Hearing Before Judge” (#19), which the court will construe as an untimely response to Gibson’s second motion to dismiss (#17). The court has received and considered both of the magistrate judge’s reports. The parties have not filed objections to the second report and recommendation, and the time for doing so has passed. *See* 28 U.S.C. § 636(b)(1)(C).

It is therefore **ORDERED** that both Report and Recommendations of the magistrate judge (#11, 18) are **ADOPTED**. Defendant Lee Gibson d/b/a Southside Bank’s “Motion to Dismiss for Lack of Subject-Matter Jurisdiction, Insufficient Service of Process, and Failure to State a Claim Upon which Relief can be Granted” (#5) and “Motion to Dismiss Plaintiff’s Fair Debt Collection Practices Act” (#17) are **GRANTED**. All remaining motions are terminated as moot. The court will issue a Final Judgment separately.

Signed this date

Dec 22, 2022

A handwritten signature in black ink, reading "Marcia A. Crone". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE